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UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS - EASTERN SECTION

CHAPPELL & CO., INC., ET AL.

Plaintiff,

V.

COSTELLO'S TAVERN, INC.

Defendant.

C.A. No. 1:05-CV-10143-NG

DEFENDANT'S ASSENTED-TO

MOTION FOR LEAVE TO FILE

SUPPLEMENTAL BRIEF IN

OPPOSITION TO PLAINTIFF'S

MOTION FOR PARTIAL SUMMARY

JUDGMENT

Defendant, with the assent of the Plaintiff through its counsel, hereby requests that the court consider their Supplemental Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment filed concurrently herewith it. The ground for this request that substantive, if not critical, exhibits to Plaintiff's moving papers were not provided with the original Motion.

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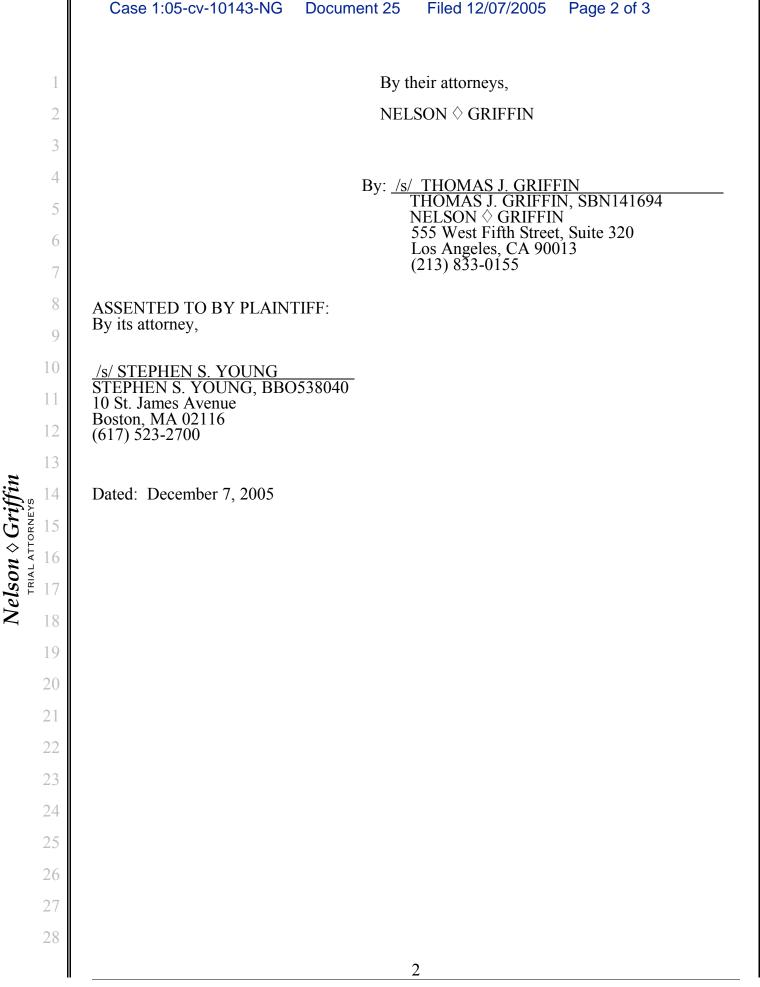
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Nelson & Griffin

CERTIFICATE OF SERVICE

I, Ethel Brown, hereby certify that on this 7th day of December, 2005, I served the following document: **DEFENDANT'S ASSENTED-TO MOTION FOR LEAVE TO FILE SUPPLEMENTAL PAPERS AND OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT** pursuant to Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2(A) on the plaintiffs' counsel by mailing a copy thereof addressed to: Stephen S. Young, Esq., Holland & Knight, LLP, 10 St. James Avenue, Boston, MA 02116.

/s/ ETHEL BROWN ETHEL BROWN